

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGELICA PARKER,

Plaintiff,

-against-

SCOTT BURSOR, individually and in his
professional capacity as owner of Bursor & Fisher,
P.A., and BURSOR & FISHER, P.A.,

Defendants.

24-CV-245 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

On April 1, 2025, Defendants moved to stay the Opinion and Order denying Defendants' motion to seal pending appeal to the Second Circuit. ECF No. 353.¹

"In deciding whether to issue a stay pending appeal, a court must consider four factors: (1) whether the movant has made a strong showing that it is likely to succeed on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether a stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *New York v. Trump*, 490 F. Supp. 3d 736, 741 (S.D.N.Y. 2020) (cleaned up). "Notably, a stay is not a matter of right, even if irreparable injury might otherwise result. It is instead an exercise of judicial discretion, and the propriety of its issue is dependent upon the circumstances of the particular case." *Lohnn v. Int'l Bus. Machines Corp.*, No. 21-CV-6379 (LJL), 2022 WL 36420, at *18 (S.D.N.Y. Jan. 4, 2022) (citing *Trump*, 490 F. Supp. 3d at 741). The party seeking the stay bears the "heavy burden of demonstrating that a stay is warranted." *Id.*

¹ The Court provided Plaintiff an opportunity to respond to this motion, but Plaintiff failed to do so in a timely manner. In particular, Plaintiff sought an extension of Plaintiff's deadline to respond on the day of the deadline in violation of the Court's Individual Rules.

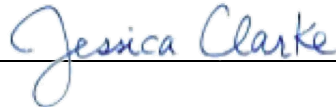
Defendants have not met that burden here. Defendants do not show that they are likely to succeed on the merits of their appeal. When this Court and Judge Tarnofsky considered the issue of sealing in its Opinion and Order at ECF No. 345 and in the Report and Recommendation, the matter was not a close question. *See* ECF No. 345 at 9–11, 25–29; ECF No. 25. Although Defendants may certainly suffer reputational injury from the unsealing of the documents, that injury does not outweigh the interests of the public in their First Amendment right of access to judicial documents. *See Lohnn*, 2022 WL 36420, at *7.

For the foregoing reasons, Defendants’ motion to stay is DENIED. However, the Court will extend its restriction on unsealing the Complaint, the related documents, and the Opinion and Order at ECF No. 345 until April 25, 2025, at Defendants’ request. *See* ECF No. 363. This extension will permit Defendants to seek an emergency stay and obtain a ruling from the Second Circuit.

The Clerk of Court is directed to terminate ECF Nos. 353 and 363.

Dated: April 9, 2025
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge